

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following remarks, is respectfully requested.

Claims 27-43 are pending; Claims 27, 33, 36, 37, and 41-43 are amended; and Claims 1-26 are withdrawn from consideration.

Support for changes to Claims 27, 33, 36, 37, and 41-43 is found at least in Applicant's specification at paragraph [0313]. Thus, the changes to the claims add no new matter.

The outstanding Official Action rejected Claims 27-43 under 35 U.S.C. § 102(e) as unpatentable over U.S. Patent Application Publication No. 2004/0203820 to Billhartz.

Claim 27 is directed to a communication system. The communication system includes a plurality of communication terminals, and based on a message originated from a first communication terminal to a third communication terminal via a second communication terminal, where the second creation terminal creates routes to the first communication terminal by using the second and third communication terminals to communicate between the first and third communication terminals via the created route. The second communication terminal and state notification means for detecting a possible disconnection state in terms of a disconnection symptom for communication on the route as an upstream side for the message and notifying the possible disconnection state to the first communication terminal. A number of notifications of the possible disconnection state transmitted to the first communication terminal is limited to a specified ratio of at least one notification to a predetermined number of data packets transmitted between the first and third communication terminals. The first communication terminal has message origination means for generating the message using a creation condition according to a route other than the route matching the possible

disconnection state notified from the second communication terminal and originating the message.

Now turning to the applied reference, Figure 1 of Billhartz illustrates a network 20 with a plurality of mobile nodes 30 including a source node 1 and a destination node 4 with intermediate nodes 2, 3, and 5 therebetween. The source node 1 transmits a quality (QOS) route request RREQQ to discover routing to the destination node 4 based upon the QOS parameter.<sup>1</sup> Billhartz describes that if any intermediate node 2, 3, and 5 or the destination node 4, the requested QOS is violated and cannot be satisfied, the RREQQ packet is discarded knowing that the path through this node cannot satisfy the requested QOS.<sup>2</sup> Particularly, Billhartz describes that if the node cannot continue to support the RREQQ, then the node generates a QOS error notification RERRQ to the source node 1.<sup>3</sup>

Claim 27 is distinguishable over Billhartz as the applied reference fails to disclose or suggest that “a number of notifications of the possible disconnection state transmitted to the first communication terminal is limited to a specified ratio of one notification to a predetermined number of data packets transmitted between the first and third communication terminals.” As discussed above, Billhartz describes that if a node cannot support a QOS parameter, the node generates a QOS error notification to the source node. However, Billhartz fails to disclose or suggest that a number of QOS error notifications transmitted to the source node 1 is limited to a specified ratio of one QOS error notification to a predetermined number of data packets transmitted between the source node 1 and the destination node 4 of Billhartz.

Therefore, Applicant submits that Billhartz fails to disclose or suggest all the features of Claim 27 as amended. Applicant respectfully requests that the rejection of Claim 27, and claims depending therefrom, under 35 U.S.C. § 103(a) be withdrawn.

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<sup>1</sup> See Billhartz at paragraph [0033].

<sup>2</sup> See Billhartz at paragraph [0045].

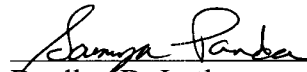
<sup>3</sup> See Billhartz at paragraph [0037].

As Claims 33, 36, 37, and 41-43 are amended to recite features analogous to Claim 27, Applicants submit that Billhartz fails to disclose or suggest all the features of Claims 33, 36, 37, and 41-43 as amended. Applicant respectfully requests that the rejection of Claims 33, 36, 37, and 41-43, and claims depending therefrom, under 35 U.S.C. § 102(e) be withdrawn.

Consequently, in view of the present amendments and above remarks, no further issues are believed to be outstanding. The present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 07/09)

Soumya Panda  
Registration No. 60,447